

**UNITED STATES DISTRICT COURT  
DISTRICT OF THE NORTHERN MARIANA ISLANDS**

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UNITED STATES of AMERICA,

Plaintiff,

v.

VINCENT CABRERA,

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Defendant.

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)  
) Case No.: CR-03-00019  
)

**MOTION TO CONTINUE REVOCATION  
HEARING**

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)  
) Hearing Date: January 18, 2008  
) Hearing Time: 1:30 a.m.  
) Judge: Hon. Alex R. Munson  
)

Defendant, VINCENT CABRERA, by and through his counsel of record, hereby requests that the Court continue the time and date set for Revocation Hearing in the above captioned case until January 23, 2008 at 11:00 a.m. The Revocation Hearing in this case is currently set for January 18, 2008 at 1:30 p.m., however, at this time the defendant is seeking a continuance.

Revocations of Supervised Release are governed by Federal Rule of Criminal Procedure 32.1. Fed.R.Crim.Pro 32.1(2)(B) states in relevant part that the for a Revocation Hearing, the defendant is entitled to “disclosure of the evidence against [him].” *Fed.R.Crim.Pro 32.1(2)(B)*. In the instant case, the only indication of the evidence against him that Mr. Cabrera has received is a copy of the probation officer’s Declaration in Support of Petition. Defendant contends that this does not constitute sufficient “disclosure of evidence against [him]” as contemplated by the governing statute.

1 Defense counsel has been in contact with the AUSA assigned to this case and has  
2 requested that additional discovery be turned over. The Government is in the process of  
3 submitting discovery to the defense and they have also been informed that the defendant is  
4 requesting a continuance of the currently set Revocation Hearing. The government indicated that  
5 they do not object to a short continuance of this matter. As such, defendant moves this Court to  
6 grant its motion and continue the Revocation Hearing until January 23, 2008 at 11:00 a.m.

7 Respectfully submitted this 18<sup>th</sup> day of January, 2008.

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9 \_\_\_\_\_/s/\_\_\_\_\_  
10 KELLEY BUTCHER  
11 Counsel for Defendant  
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